

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )      Cause No. 1:20-cr-0131-JMS-TAB  
                                )  
JOSHUA DECKARD,           )      - 02  
                                )  
Defendant.                 )

**REPORT AND RECOMMENDATION**

On September 8, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 1, 2021. Defendant Deckard appeared in person with his appointed counsel Sam Ansell. The government appeared by Will McCoskey, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ariene Gilbert.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Deckard of his rights and provided him with a copy of the petition. Defendant Deckard orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Deckard admitted violation number 1.

[Docket No. 99.]

3. The allegation to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<b>“You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner.”</b>

On April 26, 2021, June 1, 2021, June 10, 2021, and June 29, 2021, Joshua Deckard submitted urine samples which tested positive for amphetamines. On August 21, 2021, he submitted a sample which tested positive for cocaine. Additionally Mr. Deckard failed to provide a urine sample on May 3, 2021 after being instructed to provide a urine screen.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of twelve (12) months with one (1) day with no supervised release to follow. The defendant requested placement in a RDAP or intensive drug treatment program at a facility closest to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months with one (1) day with no supervised release to follow. The Magistrate Judge will make a recommendation of placement in a RDAP or intensive drug treatment program at a facility closest to Indianapolis, Indiana. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 9/8/2021

7-13L

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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